

# **Carrying Out the Work of the Federal Courts**

## 1996 and 1997 — The Years in Review

### Milestones

1996 and 1997 were years of transition. In July 1997 District Judge Norma Holloway Johnson became Chief Judge of the United States District Court, replacing Judge John Garrett Penn, who had been chief judge for more than five years. Two new judges — Colleen Kollar-Kotelly and Henry H. Kennedy, Jr. — joined the District Court bench. In addition, Magistrate Judge Deborah A. Robinson was appointed to a new eight-year term; Magistrate Judge Patrick J. Attridge retired but was recalled to serve an additional year; and John H. Facciola was sworn in as a new Magistrate Judge in August of 1997.

In the Court of Appeals, Judge James L. Buckley took senior status in September 1996. Merrick B. Garland was confirmed as a United States Circuit Judge in the spring of 1997.

Both courts experienced significant staff changes. Linda J. Ferren left the Circuit Executive's Office at the end of 1997 and was succeeded by Jill C. Sayenga, who had served as Deputy Circuit Executive for nine years. Joseph N. Alexander, formerly of the District Court Clerk's Office, became Administrative Assistant to the Chief Judge of the District Court following LeeAnn Flynn Hall's departure in December 1997. In addition, Ellen R. Finn became Special Assistant to the Chief Judge of the Court of Appeals in July 1996.



Chief Judge Johnson

### The E. Barrett Prettyman United States Courthouse

On March 20, 1997, at a dedication ceremony attended by more than 300 guests, the United States Courthouse was renamed in honor of former Chief Judge E. Barrett Prettyman. Judge Prettyman sat on the United States Court of Appeals for the District of Columbia Circuit from 1945 until his death in 1971 and served as Chief Judge from 1958 to 1960. During this special ceremony, the judges of both courts sat *en banc* in the Ceremonial Courtroom to hear Chief Justice William H. Rehnquist, Chief Judge Harry T. Edwards, Chief Judge John Garrett Penn, District Judge Louis F. Oberdorfer, Senator John W. Warner and E. Barrett Prettyman, Jr., commemorate the occasion. Also sitting with the judges for this special occasion were Associate Justices Antonin Scalia, Ruth Bader Ginsburg, and Clarence Thomas, all former judges of the Court of Appeals.

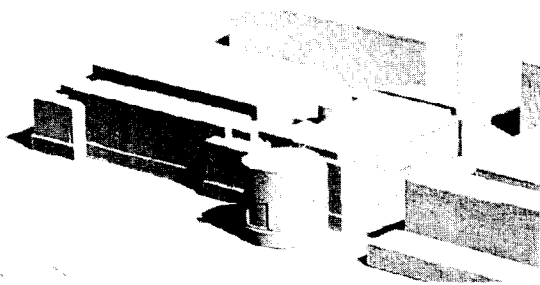


Senator Warner, a former law clerk to Judge Prettyman, sponsored the legislation renaming the courthouse in Judge Prettyman's honor. The new name — the E. Barrett Prettyman United States Courthouse — has been etched onto the granite facade of the building. A portrait of Judge Prettyman is displayed in the main lobby above a bronze plaque and display case containing memorabilia of Judge Prettyman's life and distinguished career.

## The New Annex

Planning for the Courthouse Annex began in earnest in July 1997 when Congress authorized the expenditure of design funds. The project architect is Michael Graves, who has won numerous design awards throughout his career and has developed an international reputation as one of the most innovative designers of the late 20<sup>th</sup> century. Also working on the project is Smith, Hinchman & Grylls (SH&G), the country's oldest architectural and engineering firm. An award-winning firm, SH&G has worked on many projects in the Washington area. The Graves/SH&G team brings a wealth of experience to the venture, having already participated in over fifty courthouse projects.

Architectural plans for the Annex have been developed through a series of workshops involving the design team, the chief judges and representatives from both courts, the General Services Administration and the U.S. Marshals Service. At the workshops, the architects presented various design schemes offering different architectural solutions. The exchange of ideas at the workshops will eventually culminate in the selection and development of a single design concept. The design work is expected to continue through 1998, with the final architectural drawings to be completed in 1999. Subject to the availability of funding from Congress, the project managers anticipate that construction of the Annex will begin in the year 2000.



One of the proposed design schemes for the Annex

This long-awaited addition to the courthouse will provide critically needed space for court

operations, including nine additional courtrooms, chambers, and expansion space for the support offices that have been experiencing space shortfalls since the late 1980s. In addition to addressing the circuit's severe space shortage, a problem that has been growing worse each year, the project will correct safety deficiencies in the courthouse and will provide for improved security.

## Advances in Technology

In 1996 and 1997, the courts of the D.C. Circuit employed state-of-the-art technology to work more efficiently and to make court-related information more accessible to the public. Both the Court of Appeals and the District Court installed Intranets, giving judges and court staff instant access to internal procedures and policies, court rules, docket sheets, courtroom schedules, calendars and other important documents. In addition, the Court of Appeals inaugurated an Internet site in February 1997 — reachable at [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov) — to provide the public with access to a wide variety of information. Court forms, rules, schedules and other valuable information about practice before the court can be obtained from the web site.

In another important initiative, the Court of Appeals established a task force in late 1997 to study the issue of electronic filing. The task force has been asked to explore potential uses of electronic filing technology for the court and the bar, and to study the technical and procedural issues involved in implementing such a system. Its recommendations on measures to permit, encourage or require electronic filing of court documents are expected by the end of 1998. The task force is chaired by Douglas Letter of the United States Department of Justice.

In 1997, the Judges' Library upgraded its CD-ROM system with state-of-the-art technology. The original DOS-based system has been replaced with a Windows-based system that more than doubles storage capacity. Access is available through browser software, making use of the CDs

both easier and faster. In addition to allowing on-line access to numerous new publications, the CD-ROM system also replaces many looseleaf services that were both costly and time-consuming to file in hard-copy form. The Library also installed two stand-alone PCs with Internet connections, including one that permits public access to the Government Printing Office's electronic bulletin board, which contains a vast array of government materials.

Another technological milestone was achieved in July 1997, when District Judge Thomas F. Hogan presided over the first trial in the District Court's new electronic courtroom. The courtroom has won rave reviews from judges, who note that it speeds the pace of trials; from attorneys, who are better able to present evidence; and from jurors, who report that they feel more involved in the proceedings because they can read and study evidence more closely. Its new-generation equipment includes seventeen video monitors located throughout the courtroom (including eight in the jury box), ELMO and CD-ROM evidence presentation equipment that enable counsel to display evidence on the monitors, light pens to highlight evidence or documents, a video cassette recorder to allow the playback of evidence, and other sophisticated devices.

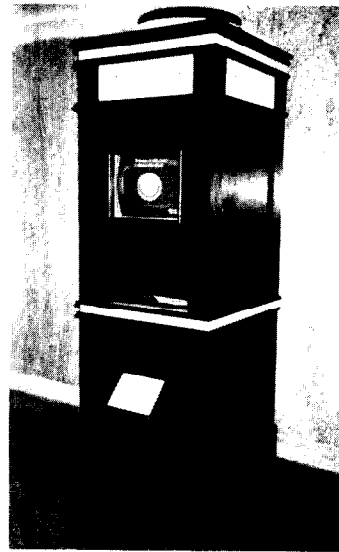


**The Electronic Courtroom**

Computers were also introduced into the Court of Appeals courtroom. At the start of the 1997-1998 term, laptop computers were made available to judges, law clerks and the courtroom deputy during oral arguments. Each laptop is

equipped with a "chat" program that allows the judges to communicate with each other and with the clerks and deputy while argument is underway. The system also permits communications, via electronic mail, between chambers and those in the courtroom. In addition, each computer is equipped with Westlaw, giving judges and clerks immediate access to relevant case law and statutes.

Finally, in November 1996 the District Court unveiled its "Court Connection Kiosk" — a fully interactive touch-screen computer available to the



public 24 hours a day. Located on the first floor of the courthouse just outside the Clerk's Office, the kiosk allows access to court schedules, docket information, forms and other material and also provides maps and directions to specific locations within the building.

## **Dispute Resolution Programs**

### *Mediation in the United States Court of Appeals*

1997 marked the tenth anniversary of the Appellate Mediation Program. Initially an experimental program, it is now an integral part of the Court of Appeals' case management system. The Mediation Program has been highly successful, thanks in large part to the skillful and untiring efforts of the court's volunteers. Forty-two experienced and dedicated members of the bar currently serve the court as volunteer mediators. Their many successes include settlements brokered in discrimination cases, tort actions, environmental

appeals, business disputes and government appeals involving the United States, its agencies or the District of Columbia. The mediator group has been chaired since the inception of the program by John H. Pickering of Wilmer, Cutler & Pickering.

As part of an on-going effort to review and assess each major element of the court's operations, the court determined in 1997 to undertake a study of the Appellate Mediation Program. The services of an outside expert were retained to analyze the design and operation of the current program and to offer suggestions for future program developments. The study will include a review of program procedures, methodology, staffing, mediator selection and training, and case selection. In addition to analyzing case data, the consultant will also interview judges, court staff and mediators, as well as attorneys and litigants who have participated in the program. The final report and recommendations are expected in 1999.

#### *Mediation in the United States District Court*

Over the past two years the number of cases referred to mediation in the District Court has increased dramatically. In 1995, 191 cases were referred to mediation. This figure jumped to 266 in 1997, a 39 percent increase.

An increasing number of high-profile cases were successfully mediated during this period. These cases included several highly complex class-action suits involving allegations of sexual harassment and race discrimination against federal and District of Columbia government agencies, as well as several cases involving controversial public policy matters. To address the growing complexity of the caseload, the program sponsored a two-day training session for new mediators in 1997 and also offered two specialized training seminars: one on mediating complex civil cases and another on mediating employment law cases. In addition, a roundtable discussion was held on ethical problems that often confront mediators during the mediation process.



**A training session for District Court mediators**

The court is deeply indebted to the many members of the bar who devoted hundreds of hours of their time, on a volunteer basis, to mediate its many difficult cases. It is equally indebted to counsel who worked cooperatively with court-appointed mediators to produce many successful results.

#### **Management Reforms, Strategic Planning and Other Improvements**

##### *Backlog Reduction in the Court of Appeals*

The Court of Appeals took several steps in 1996 and 1997 to streamline its motions practice. The most dramatic results were produced by the "Backlog Reduction Project," which was initiated in the spring of 1997. Staff attorneys from the Legal Division of the Clerk's Office began to present simple matters to the court orally, rather than through written memoranda. Within three months, the number of matters pending in the Legal Division had declined dramatically. Renamed the "Backlog Prevention Project," the new procedure has been retained as a permanent tool to supplement the more traditional written work of the division. The new procedures allow the court to maintain a strict 60-day deadline for presentation of motions, measured from the date the last brief or pleading is due to the date the matter is submitted.

### ***District Court Clerk's Office: Strategic Planning***

The District Court Clerk's Office held its first off-site strategic planning workshop in May 1997 at the Maritime Institute for Training in Baltimore. The meeting, which was attended by all Clerk's Office employees, was preceded by a full year of planning and launched a five-year plan to deliver improved services to the public. The Federal Judicial Center helped organize the meeting and provided a facilitator to assist with the discussions.

### ***Clerk's Office Renovations***

A major portion of the District Court Clerk's Office, including the intake area, was redesigned to create a "one-stop" location for members of the bar and the public to file pleadings, access records, review vacancy announcements and conduct other business. The renovation made the office more accessible by moving the public entrance to the main corridor of the building.



A new look for the District Court Clerk's Office

### ***Revised Local Bankruptcy Rules***

In 1996, the Local Bankruptcy Rules were substantially revised. With the assistance of the court's Advisory Committee on Local Bankruptcy Rules, which is chaired by Paul D. Pearlstein, the court issued the new rules in January 1997.

## **The Alien Terrorist Removal Court**

In addition to housing all courts of the D.C. Circuit, the E. Barrett Prettyman United States Courthouse also serves as the site for hearings held by the Alien Terrorist Removal Court. Created by Congress in 1996, this new court is composed of five district court judges from different circuits. Upon petition of the Attorney General, the court decides whether to order the removal of aliens from the United States in cases where there is classified information that the alien is a terrorist and deportation through ordinary immigration procedures "would pose a risk to the national security of the United States." Following a hearing at which the alien has the right to counsel and to present and examine evidence, the court may order immediate detention and removal. The Clerk of the United States District Court for the District of Columbia serves as its clerk, and appeals of the court's decisions are taken to the United States Court of Appeals for the D.C. Circuit. Staff from both the Court of Appeals and the District Court assist with the processing of these matters.

## **D.C. Circuit Historical Society**

The Historical Society has continued to move forward with its two major projects: preparation of a history of the D.C. Circuit courts and the development of oral histories of judges, lawyers and others who played key roles in the circuit's history.

A three-volume manuscript describing the history of the courts from 1801 through 1990 was completed by legal historian Jeffrey Morris in late 1997. Discussions with potential publishers are underway. The published edition will include illustrations and photographs gathered by Historical Society board members.

The Society's Oral History Project, an exceptionally ambitious undertaking, has completed 23 oral histories and has another 39 in pro-

gress. The Library of Congress, the Historical Society of Washington, D.C. and the Judges' Library in the E. Barrett Prettyman U.S. Courthouse all serve as repositories for this valuable collection. The interviews are being conducted by members of the bar — 52 in all — who have been trained in interviewing techniques. As part of its training efforts, in May 1997 the Historical Society sponsored a lively and practical workshop for 12 new and 15 experienced oral history interviewers.

The Historical Society is led by Daniel M. Gribbon, President, and District Judge Louis F. Oberdorfer, Chair. The Oral History Project has been coordinated since 1994 by Stephen J. Pollak.

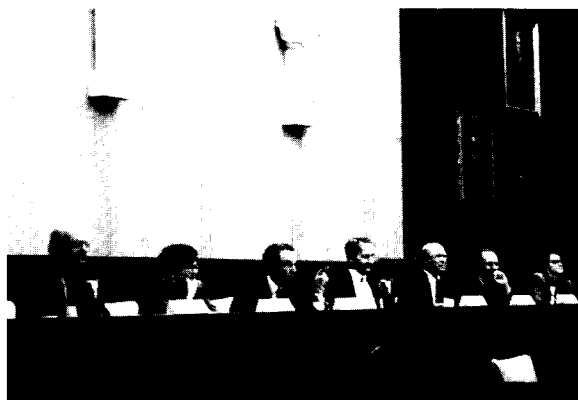
### **Naturalization Ceremonies**

Over 2,000 new United States citizens were honored in 1996 and 1997 during naturalization ceremonies sponsored by the District Court, with the support and assistance of the Daughters of the American Revolution and the Women's Bar Association. Presided over by a district court judge, the ceremonies are usually held in the Ceremonial Courtroom in the E. Barrett Prettyman U.S. Courthouse. However, both the National Archives and the National Park Service each host a special ceremony on an annual basis, and in 1996 the Superior Court of the District of Columbia hosted its first naturalization ceremony in honor of Hispanic Heritage Month.

Guest speakers at the ceremonies included Judge Frank Schwelb of the District of Columbia Court of Appeals; Chief Judge Eugene Hamilton and Judges Cheryl M. Long and Jose M. Lopez of the Superior Court of the District of Columbia; Mary Lou Leary of the United States Attorney's Office; United States Archivist John Carlin; Father Robert F. Drinan of the Georgetown University Law Center; Postal Rate Commissioner George Haley; immediate past-president of the District of Columbia Bar, Myles Lynk; headmaster of the St. Albans School, Reverend Mark H. Mullin; and Executive Director of Ayuda, Yvonne Martinez Vega.

### **Special Events**

#### *Court of Appeals Public Forum*



**The Public Forum's Appellate Advocacy Panel**

In April 1997 approximately 200 members of the bar attended the Court of Appeals' second Public Forum. Chief Judge Harry T. Edwards, Circuit Executive Linda Ferren and Clerk Mark Langer briefed the group on court-wide administrative procedures, case processing mechanisms and the latest workload statistics. The program provided an open exchange between the court and the bar regarding court operations and procedures. The program also included a presentation by then-U.S. Attorney Eric Holder on developments in the U.S. Attorney's Office that impact on the court and the bar, and a panel discussion on effective appellate advocacy. The panel was moderated by Professor Steven H. Goldblatt of Georgetown University Law Center and included Judges Wald, Silberman and Randolph, as well as Daniel M. Armstrong of the Federal Communications Commission, John Fisher of the U.S. Attorney's Office, Laurence Gold of Bredhoff & Kaiser and Maureen Mahoney of Latham & Watkins.

#### *Probation Office Conference*

The United States Probation Office sponsored the region's annual tri-district probation and pretrial services conference in August 1997 at the Wintergreen Resort. In attendance were Probation

Office employees from the District of Columbia, Maryland and the Eastern District of Virginia, and Pretrial Services employees from Maryland and the Eastern District of Virginia. Guest speakers included the Honorable Rich Leonard of the United States Bankruptcy Court for the Eastern District of North Carolina; Eunice R. Holt Jones, Chief of the Probation and Pretrial Services Division of the Administrative Office of the United States Courts; and David R. Leathery, Chief of the Probation and Pretrial Programs of the Court Education Division of the Federal Judicial Center.

### *Honoring Courthouse Staff...*



AO Director Leonidas Ralph Mecham  
and Richard A. Houck, Jr.

- ◆ Chief Probation Officer Richard A. Houck, Jr., was a 1997 recipient of the prestigious Director's Award for Outstanding Leadership from the Administrative Office of the United States Courts. Administrative Office Director Leonidas Ralph Mecham presented the award to Mr. Houck on June 12, 1997, in a ceremony held in the Ceremonial Courtroom. The award recognized Mr. Houck's many accomplishments and the initiatives he has undertaken in the Probation Office.
- ◆ The Court of Appeals held its Second and Third Annual Employee Appreciation

Days in June of 1996 and 1997. During the celebrations, the court paid tribute to its staff for their hard work, unwavering dedication, and their commitment to public service. Special awards were presented for Outstanding Employee of the Year, Exceptional Accomplishments, and Peer Recognition.

- ◆ The District Court held its annual awards ceremonies in October of 1996 and 1997 during which employees were recognized for their outstanding achievements. Awards were presented in the following categories: Innovation and Change, Special Acts, and Sustained Superior Performance. A highlight of the 1997 event was the presentation of the specially created Outstanding Leadership Award to Court Clerk Nancy Mayer-Whittington.
- ◆ Awards ceremonies were held by the Probation Office in November 1996 and October 1997 to honor those employees whose outstanding performance was above and beyond the call of duty. The 1996 ceremony included a special tribute to long-time employee Delores Richardson, a Probation Clerk who died unexpectedly in October.

### *... and Court Volunteers*

On May 14, 1997, Chief Judge Edwards and members of the Court of Appeals hosted a reception in honor of members of the bar who serve the court as members of its advisory committees and as volunteer mediators. At the reception, Chief Judge Edwards expressed the court's appreciation to the volunteers for their dedicated service and commended them for the countless hours they devoted throughout the year in service to the court. The reception was held in the Archivist's Reception Room at the National



Archives. The guests were invited to tour the rotunda where the nation's most important historic documents are on display.



Samuel Dash and John H. Pickering  
with Chief Judge Edwards

On December 2, 1997, a reception was held to honor members of the United States District Court's Civil Pro Bono Panel for their dedicated service. Chief Judge Johnson and Judge Robinson, Chair of the Court's Advisory Committee on Pro Se Litigation, addressed the panel members and the many judges in attendance. Chief Judge Johnson presented a Certificate of Appreciation to each panel member who had accepted an appointment during the past year.

### *Portrait Presentations*

Portraits of three judges were unveiled in 1996 and 1997:

- ◆ The Honorable Robert H. Bork's portrait was presented to the Court of Appeals on April 19, 1996. Judge Bork sat on the Court of Appeals from 1982 to 1988.
- ◆ A portrait of Judge Harold H. Greene was unveiled on November 7, 1996. Judge Greene joined the District Court in 1978 and took senior status in 1995.

- ◆ Judge Charles R. Richey's portrait was presented on June 13, 1997. Judge Richey sat on the District Court from 1971 until his death in March 1997.

## **Courthouse Life**

### *Black History Month*

Courthouse employees celebrated Black History Month in February of 1996 and 1997 with a round of special events and activities. The 1996 events included a gospel music concert by The Wright Singers and a fashion show of original designs by Edith Aninye. Speakers that year included Chief Judge Annice M. Wagner of the D.C. Court of Appeals; genealogist Lori E. Hunter; storyteller Peggy "Abena" Disroe; Professor Anita L. Allen; and attorney Dovey J. Roundtree. Presentations in 1997 were equally exciting and featured singer and dancer Nysi D'or; George Haley, Commissioner of the Postal Rate Commission; and Walter B. Hill, Jr., Deputy Vice President of Credit and Administration for the Export-Import Bank of the United States.



Court staff model contemporary  
African-American designs

### *Take Our Daughters to Work Day*

The highlight of the "Take Our Daughters to Work Day" in both 1996 and 1997 was a moot court trial (*Mom A. Bear v. Golden Locks* in 1996 and *United States v. Mary Lamb* in 1997), presided over by District Judge Norma Holloway Johnson and presented by district court law clerks. Ten young women participated in 1996 and 13 in 1997. In 1996, the participants were welcomed by Chief Judge John Garrett Penn and, after watching the *Bear* case, spent some time "court watching," had lunch with Judge Johnson, visited with Judge Gladys Kessler and met with a Deputy U.S. Marshal. In 1997, the young women visited with Chief Judge Penn, served as the jury for the *Lamb* case, toured the courthouse with a Deputy U.S. Marshal, visited the Systems Office and had tea with Judge Johnson and Magistrate Judge Deborah Robinson.

### *Readin', 'Ritin', and 'Rithmetic*

In 1997, the Court of Appeals staff adopted the entire first-grade class of J.O. Wilson Elementary School in Washington, D.C. Twice a week, volunteers from the court visit each of the four first-grade classrooms and provide an hour of one-on-one tutoring for those children most in need of help with basic arithmetic, reading and writing skills. Twenty-five volunteers contribute their time twice each month. The tutors will continue working with the students throughout their elementary school years, following the class as it progresses from grade to grade. The court has also donated excess PC equipment for use in the classrooms and court staff have donated supplies, books and games for use by the children.



A tutoring session at J.O. Wilson Elementary School

# D. C. Circuit Participation in National Judicial Activities

## U.S. Judicial Conference Activities

By statute, the chief policymaking body for the federal judiciary on the national level is the U.S. Judicial Conference. 28 U.S.C. § 331. The Conference, originally known as the Conference of Senior Judges, was established in 1922. Since that time, the Conference has undergone substantial modification in composition and responsibility. Originally, only the chief judge of each circuit participated in the Conference; now all circuit chief judges and a district court judge from each circuit participate. The Conference, which convenes in the spring and fall of each year, is chaired by the Chief Justice of the United States. At both 1996 sessions and at the March 11, 1997 session, the D.C. Circuit was represented by Chief Judge Harry T. Edwards and Chief Judge John Garrett Penn. At the September 23, 1997 session, the D.C. Circuit's representatives were Chief Judge Harry T. Edwards and Chief Judge Norma Holloway Johnson.

The Conference oversees all major aspects of national judicial administration. This broad mandate includes responsibility for formulating policy, establishing national standards, developing the federal judiciary's budget for presentation to Congress, evaluating judicial performance, and recommending and commenting on legislation that affects judicial operations.

Most of the work of the Conference is carried on throughout the year by an extensive network of standing and special committees. Federal judges from across the nation serve as members of the committees, and the Administrative Office and the Federal Judicial Center provide staff support. The Chief Justice makes committee appointments for three-year terms. Generally, judges do not serve more than two consecutive terms on any one committee.

As in the past, the D.C. Circuit continued to be well represented on Conference committees. The following is a list of D.C. Circuit judges who were serving on Conference committees at the close of 1997:

Circuit Judge **Patricia M. Wald**  
Committee on Court Administration and Case Management

Circuit Judge **Douglas H. Ginsburg**  
Committee on the Budget

Circuit Judge **A. Raymond Randolph, Chair**  
Committee on Codes of Conduct

Circuit Judge **David S. Tatel**  
Committee on Judicial Resources

District Judge **Ricardo M. Urbina**  
Committee on Security and Facilities

District Judge **James Robertson**  
Committee on Automation and Technology

Senior District Judge **Joyce Hens Green**  
Committee on the Judicial Branch

Senior District Judge **Stanley S. Harris, Chair**  
Committee on Intercircuit Assignments